

BUNURONG LAND COUNCIL ABORIGINAL CORPORATION ('BLCAC')

COVID-19 Vaccination Policy and Procedure ('policy')

1. The Purpose of the COVID-19 vaccination policy

Indigenous communities are identified as a high-risk group for exposure to the COVID-19 virus. Underlying conditions, such as heart conditions, diabetes and respiratory illnesses can significantly increase the risks of severe illness or worse.

BLCAC recognises the need to protect both staff and the community from the risk of contracting COVID-19.

Further, a number of BLCAC workers fall within the scope of Victorian Government Directions regarding mandatory COVID-19 vaccination, issued by the Victorian Government pursuant to the *Public Health and Wellbeing Act 2008* (Vic).

This policy sets out BLCAC's approach to COVID-19 vaccinations for its workers. It supplements, but does not replace, BLCAC's other employment policies and may be amended or replaced, including in response to changes in COVID-19 risks.

This policy is based on guidance provided by the Australian Federal and Victorian State Government. Such guidance is subject to change, as is this policy.

2. Application of the Policy

This policy applies to all BLCAC workers, including but not limited to employees, including casual employees, students, volunteers and independent contractors.

This policy also applies to BLCAC Board members.

3. The requirement to be vaccinated

The State and Federal Governments and the Fair Work Ombudsman have recognised that in some circumstances it will be both lawful and reasonable to require workers to be vaccinated.

Further, as outlined above, the Victorian Government has issued mandatory directions regarding COVID-19 vaccination which apply to a number of BLCAC workers.

The current Government Directions applying to BLCAC workers are as follows:

1. COVID-19 Mandatory Vaccination Directions (No 5) (attached):
 - a. Construction - requires a worker attending a construction site to receive their first dose of a COVID-19 vaccination by 2 October 2021 and be fully vaccinated by 13 November 2021.

2. COVID-19 Mandatory Vaccination Directions (No 5) (attached):
 - a. Education – requires a worker attending an education facility to receive their first dose of a COVID-19 vaccination by 18 October 2021 (or provide evidence by 18 October 2021 that they have a booking to receive their first dose by 25 October 2021) and to be fully vaccinated by 29 November 2021.
3. In light of the above Victorian Government Directions, BLCAC has determined that it is a lawful and reasonable direction to require all workers that fall within the scope of the above Victorian Government Directions to be vaccinated against COVID-19 within the respective timeframes (and provide BLCAC with such evidence).
4. Further, for those BLCAC workers who fall outside the scope of the above Victorian Government Directions, BLCAC has determined it is a lawful and reasonable direction for those workers to also be vaccinated against COVID-19 in order to attend any BLCAC worksite. In arriving at this decision, BLCAC has had regard to a number of factors, including but not limited to the following:
 - Many BLCAC workers are covered by a Victorian Government Direction with respect to mandatory COVID-19 vaccination;
 - The indigenous community is more vulnerable to the effects of COVID-19 than other communities;
 - The nature of the work performed by many BLCAC workers means they come into regular contact with the public, thereby increasing the risk of COVID-19 transmission;
 - BLCAC has an overarching duty to provide all of its workers with a safe workplace;
 - the effectiveness of vaccines in reducing the risk of transmission or serious illness, including the Delta variant and any possible future variants, when compared to other available safety measures.

For those workers who fall outside the scope of the Victorian Government Directions, BLCAC requires them to be vaccinated for COVID-19 (and provide such evidence) in line with the following timeframes:

- First dose of a COVID-19 vaccination by 30 October 2021;
- Fully vaccinated by 31 December 2021.

Booster vaccinations

The requirement to be vaccinated will also apply to receiving booster vaccinations, as and when these are deemed necessary in line with government medical advice.

Medical exemptions

These directions do not apply to workers who have a recognised medical condition which exempts them from vaccination ('Medical Exemption'). That is, where there is a Medical Exemption, there will not be a requirement to be vaccinated.

Arrangements may however have to be made in relation to alternative duties and/or additional protective equipment.

Further, where a worker is having difficulty accessing a COVID-19 vaccine within the required timeframe, please speak with your manager immediately.

Failure to comply without Medical Exemption or other reasonable excuse

BLCAC workers who fail to receive their first and second doses of COVID-19 vaccination within the required timeframes (or provide BLCAC with the necessary evidence), will not be permitted to attend any BLCAC worksite.

Depending on the reason why a worker has failed to receive their first and second doses within the required timeframes (or provide BLCAC with the necessary evidence), disciplinary action in accordance with BLCAC's disciplinary process may result.

4. BLCAC's Obligations

- BLCAC must provide a workplace and which is safe for its staff and clients.
- BLCAC must comply with all occupational health and safety legislation.
- BLCAC must not discriminate against workers because of a protected attribute, including a disability.

5. Your obligations

As a BLCAC worker, you must take reasonable steps to help stop the spread of COVID-19 to keep you, your colleagues, clients and the public safe.

In order to comply with this policy, your obligations are as follows:

- i. Speak with your medical practitioner to obtain advice about the COVID-19 vaccine, and which vaccine is most appropriate for you. You should then make arrangements to receive the most appropriate COVID-19 vaccine for your age and circumstances.
- ii. **Obtain your COVID-19 vaccination certificate** (or evidence of having received your first dose) from your healthcare provider or from the Medicare website and **provide a copy of this to BLCAC within the timeframes outlined above.**
- iii. **If the medical advice you receive is that you should not receive the COVID-19 vaccine**, and should be exempt from the requirement, then you should **ask your medical practitioner to provide a written explanation as to why this is the case, and provide a copy to BLCAC as your Medical Exemption.** Your medical practitioner may wish to complete an "Australian Immunisation Register immunisation medical exemption (IM011)" Form.

- iv. BLCAC will not require you to receive the vaccine if you have a Medical Exemption. However, in such circumstances BLCAC may need to discuss options to reduce the risk of COVID-19 transmission, such as alternative duties (where these are available) and wearing personal protective equipment. You will be given an opportunity to make known your views and ask questions regarding this.

6. Employment Records

Any information that you provide to BLCAC regarding your vaccination status or Medical Exemption will form part of your employment record. It will be kept confidential, stored securely and viewed only by persons who have a verified need to access it on behalf of BLCAC.

7. Risk Assessment

BLCAC has considered vaccination as part of its COVID-19 risk assessment.

BLCAC will continue to keep the situation in relation to vaccinations under review in our ongoing COVID-19 risk assessments and will review this policy in line with any changes in risk.

8. Victimisation

There may be some workers who have Medical Exemptions and are therefore unable to be vaccinated. It is unlawful to bully, harass or victimise any member of staff in relation to their vaccination status and BLCAC takes such behaviour seriously. Anyone who acts in this way towards another member of staff may be subject to disciplinary action, including dismissal or termination of engagement.

9. Vaccine safety

If you have concerns or questions about vaccine safety, we recommend that you speak to your medical practitioner. BLCAC is not qualified to give you any such advice.

You may also find accurate and up-to-date information about COVID-19 vaccines from official government sources, such as the Australian Department of Health.

The Therapeutic Goods Administration is responsible for assessing all COVID-19 vaccines before they can be used in Australia.

Details regarding the TGA's Approval Process for the COVID-19 vaccine can be found at <https://www.tga.gov.au/covid-19-vaccine-approval-process>.

Further, following a thorough and independent review, the TGA has published information regarding those COVID-19 vaccines which meet the high safety, efficacy and quality standards required for use in Australia. Further information regarding

these vaccines can be found at <https://www.tga.gov.au/covid-19-vaccine-provisional-registrations>.

In addition to the above, BLCAC strongly advises that all BLCAC workers speak to their medical practitioner about the COVID-19 vaccine that might be right for them.

10. Time off for vaccination

BLCAC is unable to provide COVID-19 vaccination on site.

Accordingly, you are entitled to up to one (1) day of paid leave to attend a vaccination appointment, subject to you providing us with notice and evidence as required by us before you attend that appointment.

If you experience side effects after your vaccination and are not well enough to work, you may be eligible to take 'vaccination leave'. Vaccination leave will be paid in addition to any existing personal leave entitlements, but any vaccination leave which is greater than one (1) day will require a medical certificate.

11. Changes to this policy

This policy may be amended or withdrawn by BLCAC at our discretion and does not form part of your contract of employment.

12. References

- *Occupational Health and Safety Act 2004* (Vic)
- *Public Health and Wellbeing Act 2008* (Vic)
- *Fair Work Act 2009* (Cth)
- Victorian State Government – Department of Health and Human Services
- Australian Government Department of Health
- Australian Government Department of Health - Therapeutic Goods Administration

Date effective: 18 October 2021

Next review date: Ongoing